

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

In re:	:	
	:	
BRYAN M. DAVIS and	:	Case No. 09-2-6768-WL
CARLA D. BRACEY-DAVIS,	:	Chapter 13 Bankruptcy Case
	:	
Debtors.	:	

TD BANK, NA	:	
	:	
	:	
Appellant,	:	
v.	:	Civil No. PJM 11-1270
	:	Bankruptcy Appeal
BRYAN M. DAVIS and	:	
CARLA D. BRACEY-DAVIS,	:	
	:	
Appellees	:	
	:	
TIMOTHY P. BRANIGAN, TRUSTEE,	:	
	:	
Party in Interest.	:	

In re:	:	
	:	
BRYAN M. DAVIS and	:	Case No. 09-2-6768-WL
CARLA D. BRACEY-DAVIS,	:	Chapter 13
	:	
Debtors.	:	

TIMOTHY P. BRANIGAN, TRUSTEE,	:	
	:	
	:	
Appellant,	:	
v.	:	Civil No. PJM 11-1940
	:	
BRYAN M. DAVIS and	:	
CARLA D. BRACEY-DAVIS,	:	
	:	
Appellees	:	

In re:	:	
	:	
MARQUITA E. MOORE,	:	Case No. 10-3-4576-TC
	:	Chapter 13
Debtor.	:	
_____	:	
	:	
TIMOTHY P. BRANIGAN, TRUSTEE,	:	
	:	
Appellant,	:	
v.	:	Civil No. MJG 11-1718
	:	
MARQUITA E. MOORE,	:	
	:	
Appellee.	:	
_____	:	

TRUSTEE’S MOTION TO CONSOLIDATE APPEALS

Timothy P. Branigan, Chapter 13 Trustee in the above-captioned bankruptcy cases and party-in-interest in each appeal (“Trustee”) requests the Court consolidate the above-captioned appeals under Civil No. PJM 11-1270. Each appeal is based on the Memorandum of Decision in Support of Orders Granting Amended Motion to Avoid Lien and Confirming entered by the Bankruptcy Court on March 30, 2011 (Bankruptcy Case No. 09-2-6768-WL #77) (the “Bankruptcy Court Decision”). Consolidation will conserve judicial resources and ensure uniformity of decision. No party will be prejudiced by consolidation. In support of his motion, the Trustee respectfully represents the following:

1. The notice of appeal commencing Civil No. PJM 11-1270 was filed on April 12, 2011 as to the Order Granting Amended Motion to Avoid Lien on Debtors’ Principal Residence. The Order flows from the Bankruptcy Court Decision. Briefing in the matter has been concluded. The Court has set oral argument for September 26, 2011 at 10:00 am.

2. The notice of appeal commencing Civil No. MJG 11-1718 was filed on May 24, 2011 as to the Order Confirming Third Amended Plan and Overruling the Objection of the Chapter 13 Trustee. The Order specifically adopts the reasoning of the Bankruptcy Court Decision. The Debtor's brief is due by August 27, 2011, and the reply brief will be due before argument in Civil No. PJM 11-1270.

3. The notice of appeal commencing Civil No. PJM 11-1940 was filed on June 22, 2011 as to the Order Confirming Plan. The Order flows from the Bankruptcy Court Decision. Briefing in the matter has been concluded. The Court has set oral argument for December 19, 2011 at 10:00 am.

4. Each of the appeals necessarily will entail a review of the Bankruptcy Court Decision. The factual background of the two bankruptcy cases is not in dispute. Each appeal is primarily a question of statutory interpretation. It makes little sense for the Court to undertake three separate reviews of the same Bankruptcy Court Decision. Inasmuch as the central question continues to recur in many bankruptcy cases pending in this District, the earliest resolution of the question will promote certainty as to such pending cases and cases that may be filed in the future. Consolidation will conserve judicial resources and ensure uniformity of decision. No party would be prejudiced by consolidation.

WHEREFORE, the Trustee prays that the Court consolidate the appeals under Civil No. PJM 11-1270 and preserve the oral argument on September 26, 2011 at 10:00 am.

Respectfully submitted,

August 26, 2011

/s/ Timothy P. Branigan
Timothy P. Branigan (Fed. Bar No. 06295)
Chapter 13 Trustee
P.O. Box 1902
Laurel, Maryland 20725-1902
(301) 483-9118
cmecf@chapter13maryland.com

Certificate of Service

I hereby certify that, to the extent that the following persons were not served electronically via the CM/ECF system, I caused a copy of the foregoing to be sent on August 26, 2011 by first-class U.S. mail, postage prepaid to:

Marquita Moore
6700 Anton Drive
District Heights, MD 20747

Morgan Fisher, Esq.
155 Duke of Gloucester Street
Annapolis, MD 21401

Bryan M. Davis
Carla D. Bracey-Davis
9726 Natalie Drive
Upper Marlboro, MD 20772

Laura J. Margulies, Esq.
6205 Executive Blvd.
Rockville, MD 20852

Mark Cronin, Esq.
712 W. MacDade Boulevard
Milmont Park, PA 19033

/s/ Timothy P. Branigan
Timothy P. Branigan